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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,758	08/21/2003	Toshiyuki Kitahara	Q77074	7284

7590 12/13/2005

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EXAMINER

BLOUIN, MARK S

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/644,758	Applicant(s) KITAHARA, TOSHIYUKI	
	Examiner Mark Blouin	Art Unit 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/8/03</u> ✓ | 6) <input type="checkbox"/> Other: ____ |

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Detailed Action

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 19 and 20 recites the limitation "the identifier" in lines 11 and 15, respectively.

There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(b) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-8, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Takayama (USPN 6,674,596).

2. Regarding Claim 1, Takayama shows (Figs. 1 and 3A) a recording-medium cartridge that includes a recording medium (3) and a cartridge memory (4), wherein the recording medium includes a write-once area (WORM), in which the re-write of data is forbidden, and a re-writable area (Col 21, line 62), in which the re-write of data is allowed, and wherein the cartridge memory holds range information (Figs. 6-9) that shows the range of the write-once area on the recording medium.

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3. Regarding Claim 2, Takayama shows (Figs. 1 and 3A) a recording-medium cartridge, wherein the recording medium is divided into a plurality of sections (Figs. 6-9), and each section has a unique identification code, wherein the cartridge memory holds identification information showing that the section identified by the unique identification code is the write-once area or the re-writable area.

4. Regarding Claim 3, Takayama shows (Figs. 1 and 3A) a recording-medium cartridge, wherein a plurality of write-once areas and re-writable areas are lined up on the recording-medium, and wherein the cartridge memory holds information showing a position of a boundary between the write-once area and the re-writable area (Figs. 6-9).

5. Regarding Claim 4, Takayama shows (Figs. 1 and 3A) a recording-medium cartridge, wherein the range information includes address information, showing a position of a boundary between the write-once area and the re-writable area and detail information showing that which of a start point of the write-once area and an end point of the write-once area corresponds to the position identified by address information (Figs. 6-9).

6. Regarding Claims 5-8, Takayama shows (Figs. 1 and 3A) the recording medium (3) is a magnetic tape.

7. Regarding Claim 19, Takayama shows (Figs. 1 and 3A) a recording/reproducing device for performing the recording/reproducing of a data on/from the recording-medium cartridge, the recording-and-reproducing device comprising: a range information reader, which performs a readout of the range information, a distinction unit, which performs the distinction between the write-once area and re-writable area on the recording medium based on the range information, and a recording/reproducing unit, which performs the recording/reproducing of data on/from the

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recording medium, wherein the recording /reproducing unit performs the recording of data only on the re-writable area by referring to the distinction result of the identifier (Columns 9-12 – Structure of Data on Magnetic Tape).

8. Regarding Claim 20, Takayama shows (Figs. 1 and 3A) the recording-and-reproducing device wherein, the identifier regards whole area of the recording medium as the write-once area, when the range information obtainer cannot perform the readout of the range information from the cartridge memory (Columns 9-12 – Structure of Data on Magnetic Tape).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 9-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama (USPN 6,674,596).

11. Regarding Claims 9-18, Takayama shows all the features described, *supra*, including a recording media cartridge with a recording medium, but does not show the recording medium as a magnetic disk, optical tape, or an optical disk.

Official Notice is taken that magnetic disks, optical tape, and optical disks used as recording media is well known in the art. Therefore, it would have been obvious at the time of the invention to use magnetic disks, optical tape, and optical disks as the recording media.

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The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to use magnetic disks, optical tape, and optical disks as recording media since they are art recognized equivalent methods for storing data.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Blouin whose telephone number is (571) 272-7583. The examiner can normally be reached M-F, 6:00 am – 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful the examiner's supervisor, William Korzuch can be reached at (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-7589 for regular and After Final communications.

Any inquiry of general nature or relating to the status of application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



Mark Blouin
Patent Examiner
Art Unit 2653
December 9, 2005

A. J. HEINZ
PRIMARY EXAMINER
GROUP 2800 A.U. 2653

